



RISK RETENTION GROUP/RISK PURCHASING GROUP REQUIREMENTS

A foreign Risk Retention Group (RRG) or Risk Purchasing Group (RPG) must provide the Delaware Department of Insurance with the following:

- name, address, zip code, phone number and state of domicile of RRG or RPG.
- type of insurance to be provided.
- name, address, zip code, phone number and state of domicile of insurance company or companies providing insurance for purchasing groups.
- certificate of compliance from the state of domicile of the insuring company.
- certificate/articles of incorporation and any amendments
- Consent to Service of Process – Form 12
- Biographical Affidavit
- complete NAIC Registration Form (attached).
- Federal Employer's Identification Number (FEIN).
- NAIC number if RRG

Business Plan:

- Overview Key Service Providers & Agreements
- Program Summary
- Program Objection
- Underwriting Guidelines & Application
- Actuarial Feasibility Study
- Expected Loss Experience
- List of each state in which the risk retention group has obtained, or sought to obtain a charter and license.
- Initial Capitalization
- Proforma Financial Statements

The Delaware Department of Insurance does not regulate domestic RPG's; however, a RPG must purchase insurance companies licensed in the State of Delaware, or from an approved Surplus Lines insurer. Rates and forms must be filed with the Department.

The Insurance Commissioner of the State of Delaware should be appointed agent for service of process. Any person acting, or offering to act as an agent or broker for a RPG should be properly licensed in his or her home state. Non-resident licensing is not required for RPG solicitation as long as the agent/broker is properly licensed in his or her home state.

As of July 1, 2001, initial registration fee for a RRG or a RPG is \$100.00. The annual renewal fee is \$50.00.

A premium tax of 2% is due for risk written and located in Delaware. A RRG is required to file an annual financial statement due March 1st.

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STATE OF DELAWARE" _____

**APPLICATION FOR REGISTRATION AS
A RISK RETENTION GROUP**
(ALL INFORMATION SHOULD BE TYPED)

1. List the corporate name of the Risk Retention Group.

List any DBA's of the Risk Retention Group.

2. The primary activity of this Risk Retention Group consists of assuming and spreading all or any portion, of the liability exposure of its members.
3. The Risk Retention Group is organized for the primary purpose of conducting the activity described under (2) above.
4. The Risk Retention Group is chartered and licensed as a liability insurance company under the laws of the State of _____, and is authorized to engage in the following lines of insurance under the laws of its chartering State:

5. The Risk Retention Group does not exclude any person from membership in the group solely to provide for members of the group a competitive advantage over such a person.
6. Ownership of the Risk Retention Group consists of one or the other of the following (check one):

_____ the owners of the group are the only person who comprise the membership of the group and who are provided insurance by the group;

_____ the sole owner of the group is _____.

(give name and address of organization)

An organization whose members only comprise the membership of the group, and whose owners are only persons who comprise the membership of the group and who are provided insurance by the group.

7. The Risk Retention Group is composed of members who are engaged in the following described business or activities, which are similar or related with respect to the liability to which such members are exposed by virtue of related, similar, or common business, trade, product, services, premises or operations. (Give general description of business or activities engaged in by group members).

8. List the name, address and telephone number of each officer of the Risk Retention Group and the key officer or staff person (not an employee of the group's management company) responsible for overseeing "hands on management" of the group. (Attach additional pages if necessary).

- 8A. List the name, address and telephone number of the company responsible for management of the insurance operations of this Risk Retention Group. (If none, answer none).

- 8B. List the name, address and telephone number of the principal agent or broker responsible for marketing the group's insurance policies. (If none, answer none).

9. The activities of the Risk Retention Group do not include the provision of insurance other than:
- a. liability insurance assuming and spreading all or any portion of the similar or related liability exposure of its group members; and
 - b. reinsurance with respect to the similar or related liability exposure of another Risk Retention Group (or member of such other Risk Retention Group) engaged in business or activities which qualify such other Risk Retention Group (or member) under item (6) above for membership in this Group.

10. The Risk Retention Group will comply with the unfair claim settlement practices laws of this State.
11. The Risk Retention Group will pay, on a non-discriminatory basis, applicable premium and other taxes which are levied on such Group under the laws of this State.
12. The Risk Retention Group has designated the Insurance Commissioner (director, superintendent) of this State to be its agent solely for the purpose of receiving service of legal documents or process.
13. The Risk Retention Group will submit to examination by the Insurance Commissioner (director, superintendent) to determine the group's financial condition, if:
 - a. the Insurance Commissioner (director, superintendent) of the group's chartering State has not begun or has refused to initiate an examination of the group; and
 - b. any such examination by the Insurance Commissioner (director, superintendent) is coordinated so as to avoid unjustified duplication and unjustified repetition.
14. The Risk Retention Group will comply with a lawful order issued in a delinquency proceeding commenced by the Insurance Commissioner (director, superintendent) upon a finding of financial impairment, or in a voluntary dissolution proceeding.
15. The Risk Retention Group will comply with laws of the State concerning deceptive, false or fraudulent acts or practices.
16. The Risk Retention Group will comply with an injunction issued by a court of competent jurisdiction upon petition by the Insurance Commissioner (director, superintendent) alleging that the group is in hazardous financial condition or is financially impaired.
17. The Risk Retention Group will provide the following notice, in 10-point type, in any insurance policy issued by the group:

“NOTICE

This policy is issued by your Risk Retention Group. Your Risk Retention Group may not be subject to all of the insurance laws and regulations of your State. State insurance insolvency guaranty funds are not available for your Risk Retention Group.”

18. The Risk Retention Group has submitted to the Insurance Commissioner (director, superintendent), as part of this application and before it has offered any insurance in this State, a copy of the plan of operation or feasibility study which it has filed with the Insurance Commissioner (director, superintendent) of its chartering State. This plan or study discloses the name of the State in which the group is chartered, as well as the group's principal place of business, and such plan or study further includes the coverage, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer. The group will promptly submit to the Insurance Commissioner (director, superintendent) any revisions of such plan of study to reflect any changes to the plan including, but without limitation, additional lines, of liability insurance which the group intends to offer, any change in the designation of the group's chartering State.
19. The Risk Retention Group will submit its annual financial statement to the Insurance Commissioner (director, superintendent) by March 1, of each year. The annual financial statement will be certified by an independent public accountant and include a statement of opinion or loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries or a qualified loss reserve specialist.
20. The Risk Retention Group will not solicit or sell insurance to any person in this State who is not eligible for membership in the group.
21. The Risk Retention Group will not solicit or sell insurance in this State, or otherwise operate in this State, if the group is financially impaired or is in a hazardous financial condition.

We do hereby swear and affirm that the aforementioned statements and information are true and correct.

Sworn before this _____ day of _____, _____
Notary Public, State of _____
My Commission Expires _____